

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q80686

Emmanuel MARILLY, et al.

Appln. No.: 10/809,521

Group Art Unit: 2457

Confirmation No.: 7535

Examiner: Blake J. RUBIN

Filed: March 26, 2004

For: A LOCAL ASSURANCE MANAGEMENT DEVICE FOR AN EQUIPMENT ELEMENT
IN A COMMUNICATION NETWORK

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated April 3, 2009. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

This Application was originally filed with claims 1-33 which are the subject of this appeal. Further, claims 1-33 stand finally rejected.

Claims 1-33 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Sistanizadeh et al. (U.S. 6,681,232; hereinafter “Sistanizadeh”).

The rejections of claims 1-33 are being appealed.

No other grounds of rejection are currently pending.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- 1) Rejection of claims 1-33 rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Sistanizadeh et al. (U.S. 6,681,232; hereinafter “Sistanizadeh”).

ARGUMENT

Appellant now responds to the new points raised by the Examiner in his Answer.

I. Claim 1: The management module of Sistanizadeh does not teach or suggest the claimed management module and increasing bandwidth does not teach the claimed local assurance policy

As recited in Appellant's claim 1, a management information base is used to store management data which are representative of measured parameter values.

On page 12 of the Examiner's Answer, the Examiner asserts that Sistanizadeh, column 21, lines 45-64, teaches the claimed management data. The Examiner states that Sistanizadeh discloses changing the configuration of a network according to management data and assurance rules. Specifically, the Examiner reasons that the management module 165 instructs agents in effected switches to make necessary configuration changes to provide increased bandwidth service for ports of a particular customer.

Sistanizadeh discloses that the management module instructs agents to make necessary configuration changes to provide increased bandwidth service. Therefore, Sistanizadeh does not disclose that a management information base stores management data (management module of Sistanizadeh, as cited by the Examiner) which is representative of measured parameter values.

Further, Sistanizadeh would not consequently disclose adapting a configuration of a network element according to at least the management data, which is representative of measured parameter values, stored in said management information base.

Further, changing the amount of bandwidth service does not teach changing a configuration according to a local assurance policy. The management module is instructed to allocate reserved

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resources to particular customer's service in response to a choice by a subscriber. See column 21, lines 45-50. A choice made by a subscriber is not a local assurance policy as claimed and as disclosed in the Appellant's specification.

For at least the above reasons, and further to the comments submitted in the Appeal Brief, Appellant submits that Sistanizadeh does not anticipate the elements of claims 1-33.

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CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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